THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.27623 of 2005

Dated: 28-12-2005

Between:

Mohammed Basheer.

.. PETITIONER

AND

The Sub Divisional Officer (Phones), Kakinada South,

Kakinada, East Godavari District and others. **.. RESPONDENTS**

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ORDER:

The father of the petitioner by name Md.Maqbool was employed in the B.S.N.L. He died on 28-08-2001 while in service. The petitioner made an application for providing employment on compassionate grounds stating that his family is in distress after the death of his father. The third respondent rejected the claim of the petitioner, through proceedings, dated 23-09-2003. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The issue relating to providing employment to the dependants of the deceased employees on compassionate grounds became the subject matter of several judgments of this court as well as the Supreme Court. The very purpose of introducing the scheme of providing employment on compassionate grounds is to relieve the family from the immediate distress, on account of the sudden death of the employee. Axiomatically, if it is found that the family is not in distress, the question of

providing employment on such grounds does not arise. The fact that employment on compassionate grounds would result in corresponding denial of an opportunity to the otherwise qualified and needy candidate, assumes importance in this regard.

This court in ***K.R.SULOCHANA DEVI*** v. ***CHAIRMAN, RAILWAY BOARD, NEW DELHI***, disposed of batch of writ petitions after taking into account various judgments of the Supreme Court on this point. It was ultimately held that if the family of a deceased employee receives benefits exceeding a sum of Rs.1,00,000/- in the form of gratuity, P.F., etc., the dependants cannot claim the benefit of compassionate appointment.

In the instant case, it has been pointed out that the family of the petitioner has extended the benefit of Rs.3,39,809/- after the death of the father of the petitioner and that the family is getting pension of Rs.3,565/- per month. Under those circumstances, it cannot be said that the family of the petitioner is in distress. Therefore, no exception can be taken to the impugned order.

The writ petition is accordingly dismissed. No order as to costs.

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28-12-2005

Prv